



PLANNING COMMISSION City of Cortland

MINUTES

May 24, 2010

A regular meeting of the City of Cortland Planning Commission was held on Monday, May 24, 2010 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, New York.

PRESENT: Vice Chair Hansen, Comm. McMahon, Schaffer, Smith and Spitzer

Staff Present: Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

Item No. 1 – Site Plan Review – 42 Groton Ave. – (Jackson)(GB) – Rebuild of Two Story Addition

Mr. Jackson was present. He explained that he has owned the property for about 25 years. He noted that the previous owner had taken the porch in the rear of the house and had enclosed it and converted to a poorly insulated living space. He noted that the foundation is starting to give out. He has decided to tear down the porch to fix it and expand it. He has a CZO for five (5) bedrooms. It has been student housing since he has owned it. He plans to make two (2) additional bedrooms and make some of the smaller existing bedrooms into one (1) and still maintain the same five (5) bedrooms. He plans on having five (5) up and five (5) down.

Zoning Officer Bruce Weber noted that this property is in the General Business District and there are no regulations with regards to that district. Comm. Schaffer asked if this property was grandfathered. Comm. Smith noted that on one of the pages of the plan, Mr. Jackson had a bedroom that was listed as twenty-one (21) square feet and she felt that it might be a typo. She thought it might be a closet and Mr. Jackson agreed that it was and should be changed on the plan. The change was made on the plan.

Zoning Officer Weber noted that Mr. Jackson could be grandfathered with what he already has now. He is not adding any bedrooms and he would be limited to the number of students he has there now. Mr. Jackson noted that he has adequate parking and he is not adding any parking. The number of parking spots he currently has meets requirements.

A SEQR review was done.

On the motion by Comm. Schaffer, seconded by Comm. Spitzer, voted and approved to issue a negative declaration.

On a motion by Comm. Smith, seconded by Comm. Spitzer, voted and approved the project as proposed.

Item No. 2 – Site Plan Review – 45 Tompkins St. – (Armideo)(R4) – Revised Parking

Mr. Armideo and James Baranello, Esq. were present. He noted that Mr. Armideo had received approval from the Zoning Board of Appeals and that this house will be used as a commercial indoor lodging. He noted that the house has ten (10) rooms and the only thing Mr. Armideo will have to add is parking for ten (10) vehicles. He noted that the Planning Commission had been given that site plan. He stated that Mr. Armideo will be installing buffers and pave the area that is shown on the plan. He noted that there will be one (1) handicapped parking spot. He also stated that there will be no vehicle parking in the carriage house. Comm. Schaffer noted that the carriage house was historical. Comm. Schaffer noted that Mr. Armideo had not gotten the sorority. Mr. Baranello noted that was an either or situation and his client has eighteen (18) months to sign a college approved sorority house and if that is obtained, will be submitted to the Code Office. Vice Chair Hansen noted that this site plan is for revised parking and a buffer. Comm. Schaffer noted that the landscape plan is to be approved by the Historic Board. Comm. Schaffer noted that in the definition of commercial indoor lodging it read “short term overnight accommodations”. Mr. Baranello stated that Corporation Counsel had appeared at the ZBA and stated that it was not short term, but was transient, whether short term or long term and that boarding or rooming houses were by nature long term and they were not a situation where someone paid for lodging by the night, such as at a hotel. Comm. Schaffer also noted that there was only one (1) kitchen and people did not have the ability to cook in their rooms. Mr. Baranello agreed with that.

A SEQR review was done.

On a motion by Comm. Schaffer, seconded by Comm. McMahon, voted and approved to issue a negative declaration.

On a motion by Comm. McMahon, seconded by Comm. Spitzer, voted and approved the project as presented.

Site Plan Review – 53 Lincoln Ave. – (Doerler)(R2) – Two Unit Conversion from Single Family (Receive and file Site Plan, Make Recommendations to ZBA on Area Variance Request).

Zoning Officer Weber noted that this will be a recommendation to the ZBA on an area variance; to either approve the variance, deny the variance or to send it back to the ZBA with no recommendation or if the Planning Commission needs additional information or would like to study this more, they have thirty (30) days to do that. Comm. Schaffer thought the ZBA had made the recommendation. Mr. Weber noted that they had referred this application to both County and City Planning Commissions for their recommendations. This is the procedure when the City Planning Commission has to also do site plan review. He also explained that even if the ZBA approved the variance, when a project reached the Planning Commission for the site plan review, it does not mean that the Planning Commission has to give site plan approval.

Comm. Schaffer and others expressed concerns regarding street density, area density, lot coverage and parking among others. Vice Chair Hansen is concerned about people

density and if this became a two (2) family there is not enough room in the yard for children to play. Mr. Doerler noted that there is a lawn to the side of the house. Comm. Schaffer noted that he is proposing a three (3) bedroom unit on the first floor and a two (2) bedroom unit on the second floor. Mr. Doerler noted that he isn't in to student housing and if he could get two (2) good families into this house, he would do it. Comm. Schaffer stated that the site plan did not have any provisions for parking except in the driveway. Zoning Officer Weber noted that Mr. Doerler had submitted a parking plan which may have been in the ZBA packet and that Mr. Doerler owns both 51 and 53 Lincoln Avenue and after looking at some aerial photos from 2006, that a green buffer that used to be between these properties has been removed. He noted that there is supposed to be a required green space in there and that he is only allowed to have a driveway in on one side of a property. Mr. Weber noted that he has indicated to Mr. Doerler that he needs to look reestablishing that green space that had been removed from the standpoint of separation of the properties. Comm. Schaffer noted that the properties have not been combined and Mr. Doerler agreed. Mr. Weber also noted that the two (2) parking spaces that are in back of the house, that there is no way that those people could utilize the one (1) single driveway. He noted that the one (1) space in there, but the maneuvering distances from the standpoint of cars that are parked in the back and being able to back and maneuver around doesn't work. The only plan that works is the one submitted that shows parking in the back of the property as it takes the rest of the space to have the ability to maneuver. Mr. Doerler noted that he had taken some trees down between the properties, but had not expanded the existing driveway. He also noted that he was willing to plant some evergreens and he has planned to make a soil berm in the rear of the property and he would put evergreens there. Comm. Schaffer expressed concerns that this was possibly in the floodplain. Mr. Weber noted it was not, but was in a contributing area. Comm. Smith asked how many cars are parked in the area currently. Mr. Doerler noted that he has a two (2) car garage behind 51 Lincoln Avenue and normally what happens is that they'll park in front of that for 51 and the ones for 53 Lincoln Avenue they usually park facing out as the diagram shows and use either driveway. Mr. Doerler noted that he has always rented to four (4) tenants when it was rented. Mr. Doerler described some of his plans for interior renovations for the proposed conversions. He noted that he is renovating the porch now.

Zoning Officer Weber stated that Mr. Doerler has the potential to continue an occupancy of 53 Lincoln Avenue with four (4) unrelated through grandfathering through the rental permit program. He may have a case to continue to have an occupancy of four (4) unrelated if he can meet the requirements under the rental permit program. Under the rental permit program, Mr. Doerler would need to show that he has had four (4) unrelated in a single family house in there going back in time and he would need to speak with Capt. William Knickerbocker of the Code Office. Mr. Weber explained that because of the rental permit program Mr. Doerler is here to seek a two (2) family versus a four (4) unrelated, but he has the option of meeting the rental housing permit program requirements that would indicate that he has had the four (4) unrelated for a long enough period of time that he can maintain four (4) unrelated in a single family house as it is now. Comm. Smith asked Mr. Doerler what his preference was. Mr. Doerler stated that his preference was to only have four (4) unrelated and that would be easier on him as he wouldn't have to do all that construction on the inside and since he has had these houses, he has not had more than four (4) tenants. He noted that if he didn't qualify for that grandfathering he will need an alternative

to afford the house. That's why he was seeking to make it a two (2) family and at the same time, it would help out down the road.

On a motion by Comm. Schaffer, seconded by Comm. McMahon, voted and approved to postpone this to the next Planning Commission meeting pending a decision on the proposition that Mr. Doerler receives permission from the City Code Office to keep four (4) unrelated in a single family house. If permission is not given, Mr. Doerler would come back to the Planning Commission for their recommendation to the Zoning Board of Appeals on the two (2) unit conversion.

Site Plan Review – 90 Lincoln Ave. – (Baccile)(R2) – Two Unit Conversion from Single Family (Receive and file Site Plan, Make Recommendations to ZBA on Area Variance Request.

Gary Baccile was present. He noted that this was a single family house when he purchased the property this year. Vice Chair Hansen noted that this again was an issue of density. Comm. Spitzer noted that the property was so small and the trees in the back would have to be cut out, but he asked if the barn would remain. Mr. Baccile noted that the barn would stay. Mr. Baccile stated that he also needs to change the driveway to the other side of the house. He noted that there was a space on the left side of the house that is not wide enough to put a driveway all the way back to the rear of the property, it is not legally wide enough to maintain an eight (8) foot driveway and a four (4) foot greenspace. He noted it is only ten (10) feet from the house to the property line on that side. His proposal is to put the driveway on the east side and that would allow the correct width plus the greenspace. He noted that there was not a curb cut there now, but if permission was given he could fill out an application and he could have one put in. Zoning Officer Weber noted that this was not a gain in greenspace because his proposal to move the driveway would remove existing greenspace. Mr. Baccile stated that he has spoken with his neighbor, Mr. Bombard and that he will put up a curbing along the driveway to keep people from going over to Mr. Bombard's driveway. Mr. Baccile stated that the house currently has five (5) bedrooms and he wants do put three (3) bedrooms up and three (3) bedrooms down as well as a kitchen up and a kitchen down and a bathroom up and a bathroom down and a living room up and one down. He is removing the dining room downstairs and making that in to a bedroom.

Zoning Officer Weber noted that Mr. Baccile was given permission to do interior work on the house by the Code Office, but this was as a single family dwelling and not to make any conversions to a two (2) family home. Comm. Schaffer asked if the house had always been a single family home and Mr. Baccile indicated that it always had been a single family house. Comm. Spitzer asked why he did not wish to keep it a single family home. Mr. Baccile stated that it would not be a problem if he could rent it out. Comm. Schaffer noted that there was still the problem with density and that changes a neighborhood. It was also noted that there were only two (2) parking spaces needed per unit and therefore, he would only need to provide a total of four (4) parking spaces, but potentially would have six (6) tenants. Comm. Spitzer noted the shortage of single family homes in the City and there was a concern regarding lot coverage.

On a motion by Comm. Schaffer, seconded by Comm. Spitzer, voted and approved to recommend to the Zoning Board of Appeals that they deny this area variance to recommend conversion of this single family home to a two (2) unit house due to issues with lot coverage, density and changes to neighborhood character.

Mr. Baccile stated that he wanted to be very clear that he would have to put the driveway on the other side of the house as tenants would have to be able to get in and out. Mr. Baccile would not have to return to the Planning Commission if he was moving a driveway for a single family home.

It was noted that the applicant would only need to return to the Planning Commission for site plan review if the Zoning Board of Appeals approves this variance.

Site Plan Review – 10 – 16 Clinton Ave. – (Yaman)(GB) – Façade Change

David Yaman was present. He noted that he will be replacing all of the metal paneling currently in place with a product that will take the character of the corner building at 1 North Main. He plans to remove all of the old glass as well. Comm. Schaffer asked if Kinney Drugs planned to change their signage. Mr. Yaman thought probably, but he was not sure. He does not plan to do anything on the East side of the building this year. Zoning Officer Weber stated that this was an unlisted action and did not need to have SEQR review.

On a motion by Comm. Smith, seconded by Comm. Schaffer, voted and approved the project as presented.

Site Plan Review – 9 James St. – (Calabro)(R1) – Façade Change

No one was present and it was decided to postpone this until next month as there were questions.

On a motion by Comm. McMahon, seconded by Comm. Smith, voted and approved to table until next month's meeting

Site Plan Review – 96 Groton Ave. – (Medsker)(GB) – Dormer and Single Window Installation

Nancy Medsker was present. Comm. Spitzer and Schaffer asked if this was a legal third floor living space and she needed headroom space. Zoning Officer Weber noted that this was legal and that she met building code requirements. Ms. Medsker stated that it was sprinklered. Mr. Weber noted that she would like to install a window at the end of the hall to provide natural light. Mr. Weber noted that she was grandfathered for the occupancy and that it legally existed and the only issue the Planning Commission needed to deal with was the change to the façade of the building to add the dormer and to add the window. Mr. Weber went on to state that any space Ms. Medsker would create would require a building permit. Comm. Smith asked if an engineer's stamped plan was required for the building permit. Mr. Weber didn't want to speak for the Code Office, but noted that stamped plans might not be required for this project and it would be up to the Code Office

to determine. Ms. Medsker noted that this had been a boarding house for years, since 1977. Comm. Spitzer noted that this project would be an improvement to the living environment. Ms. Medsker rents to eight (8) kids with eight (8) bedrooms and two (2) kitchens. Mr. Weber noted that this application did not require a SEQR.

On a motion by Comm. Smith, seconded by Comm. Spitzer, voted and approved the project as presented.

Site Plan Review – 51 – 53 Greenbush St. – (Edwards)(R4) – Rebuild of Storage/Garage (Revised Plans not Submitted – Table)

Minutes – April 26, 2010

On a motion by Comm. Spitzer, seconded by Comm. McMahon, voted and approved as amended.

Site Plan Review – 9 James St. – (Calabro)(R1) – Façade Change

Mr. Calabro arrived late. He presented his project noting that the plans were for the rear of the building where he plans to rebuild the back deck with pressure treated wood and rebuild the rear retaining wall. Comm. Spitzer noted that this building had a large footprint. Comm. Schaffer noted that the retaining wall was crumbling and that the exterior needed renovations and repairs. Mr. Calabro agreed with her noting that there was currently homosote siding on the rear of the building. He also stated that the siding on the rear of the building would match the other siding already on the building to look like the rest of the house. Comm. Schaffer was concerned that this property would drain to the neighboring properties below it. Mr. Calabro indicated that he planned to put drainage behind the retaining wall to prevent that from happening. He noted that the wall is currently made of parged cinder blocks and he plans to replace it with an interlocking system. Comm. Smith asked if he planned to make a cellar exit for a cellar living space. Mr. Calabro indicated yes, but then noted that he probably would use that area for bike storage. He also indicated that he had already begun demolition. He will have engineered drawings to indicate ground drainage on the site plan for the building permit.

On a motion by Comm. Smith, seconded by Comm. Spitzer, voted and approved the project as presented with the provision that Mr. Calabro present engineered drawings indicating the ground drainage on the site plan for the building permit.

New Business

Comm. Schaffer presented a letter that she would like to have sent to the Mayor and Common Council from the Planning Commission regarding the building of the new Student Life Building and its impact on the Water Works. (Letter attached to these minutes)

Comm. Schaffer is also upset with a newspaper advertisement by the Alumni House offering facility rentals to the public. She noted that when permission was given to the Alumni House for a bed and breakfast that it was to be only for people related to the college and alumni. She noted that this ad was in direct defiance of their site plan review

and their Historic Board application. She asked Zoning Officer Weber to review their applications and to contact them. Mr. Weber indicated that he would look into this.

Vice Chair Hansen stated that training needs should be identified. Comm. Smith would like to have a session on the SEQR process. She believes that this would be very useful. Zoning Officer Weber will look into training videos. Mr. Weber felt that the Planning Commission had been doing too many SEQR's and not all of them were required or necessary. Comm. Schaffer would like to have more clarification on the various variance applications and the process that should be followed between the Planning Commission and the Zoning Board of Appeals. Mr. Weber felt that both the Planning Commission and the ZBA should sit down and discuss the various variance processes now that they had changed. Perhaps things could be streamlined. He noted that sometimes the process takes two or three months or more. Comm. Spitzer asked if the Zoning Book that was for sale on line was worth purchasing. Mr. Weber will look into the book and let him know.

Zoning Officer Weber explained that the Planning Commission cannot deny an applicant based on concerns for traffic unless it's specifically says that it's part of the site plan review, which this Commission has done. He noted that the Planning Commission has the ability to deny an application strictly on traffic. He noted that was in Article 13 of the Zoning Law. He noted that the courts have ruled that when a part of your review talks about traffic, which yours does, and the same wording was in yours as was in the Zoning Law, that alone is enough of a criteria for the Planning Commission to deny a site plan based upon concerns about traffic.

There was some discussion regarding the removal of trees at 19 W. Court Street and that Mr. DelVecchio will have to replace some of them according to his approved site plan.

Adjournment

On the motion by Comm. McMahon and seconded by Comm. Spitzer, voted and approved.

I, NANCY HANSEN, VICE CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTION(S) WERE ADOPTED AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, HELD ON THE 24TH DAY OF MAY 2010.

NANCY HANSEN, VICE CHAIRPERSON